

III. REMARKS

1. Claims 1, 8-11, 13, 17 and 18 are amended. Claim 7 is cancelled.
2. Claims 10, 13 and 17-18 are amended to overcome the rejection under 35 U.S.C. 112, second paragraph.
3. Claims 1-7, 10 and 11 are patentable under 35 U.S.C. 102(b) over Christmann et al. (U.S. Pat. No. 5702044, hereinafter “Christmann”). Claim 1 recites a U-shaped bearing bracket with two oppositely located bores, the first bore having a smaller diameter than the second bore. Christmann does not disclose or suggest a first bore having a smaller diameter than the second bore.

Christmann discloses a link chain GK suited for driving a packaging foil band (Col. 3, L. 65-66). A tensioning piece S is fastened to each chain link KG (Col. 4, L. 1-3). The tensioning piece consists of a bearing block (1) a guide spindle (2), a compression spring (3) and a stop piece (4) fastened to the guide spindle (2). The bearing block (1) is U-shaped and has two spaced and parallel bearing plates (12a, 12b) for supporting the axially limitedly movable guide spindle (2). (Col. 4, L. 4-13). As can clearly be seen in Figure 3 of Christmann, the bearing block (1) has a hole in each bearing plate (12a, 12b) to allow the guide spindle (2) to pass through the plates (12a, 12b). The holes in these plates are clearly the same size. There is absolutely no disclosure in Christmann of the hole in bearing plate (12a) having a different size than the hole in bearing plate (12b). Thus, claim 1 is patentable over Christmann at least for the reason that Christmann does not disclose or suggest that the first bore has a smaller diameter than the second bore as recite in claim 1.

Claim 1 also recites that the middle piece is mounted displaceably in the first bore and the foot is mounted displaceably in the second bore. These features are also not disclosed or suggested by Christmann.

The guide spindle (2) in Christmann includes an elongate pressure bolt segment (21) at one end and a large clamping piece (22) at the opposite end (Col. 4, L. 13-16). An annular holding groove (23) is provided on the guide spindle (2) adjacent the pressure bolt segment (21) and in the vicinity of the bearing plate (12b). A stop piece (4) is received in the holding groove (23) and is axially restrained therein. (Col. 4, L. 31-36).

The stop piece (4) in Christmann is not the same as the foot recited in Applicant's claim. The stop piece (4) in Christmann is mounted in the holding groove (23) for retaining the spring (3) so that when the pressure bolt (21) moves into an active area of an annular cam surface ridge (RS), the spring provides the force for returning the clamping piece (22) into contact with the bearing plate (12a) when the pressure bolt (21) disengages the cam surface ridge (RS) (Col. 4, L. 15-30). As can be clearly seen in Figure 3 of Christmann, the stop piece (4) is located between the first and second bearing plates (12a, 12b) and has no contact whatsoever with the holes in the bearing plates (12a, 12b). As can be seen in Figure 3 of Christmann, when the tensioning piece (S) is in a clamped configuration, the stop piece (4) is located some distance away from bearing plate (12b). When the tensioning piece (S) is in an unclamped position as shown in Figure 21, the stop piece (4) is prevented from contacting the bearing plate (12a) by virtue of the solid height of the spring (3). Moreover, the stop piece (4) is not capable of passing through the holes in the bearing plates (12a, 12b) because the stop piece has a larger diameter than the holes (See Fig. 3).

Thus, Christmann cannot disclose or suggest a clamping means comprising a clamping piece and a foot that are connected together by a middle piece where the middle piece has a smaller diameter than the foot and the middle piece is mounted displaceably in the first bore and the foot is mounted displaceably in the second bore as recited in Applicant's claim 1. Thus, claim 1 is patentable for this additional reason. Claims 2-7, 10 and 11 are patentable at least by reason of their respective dependencies.

4. Claims 1-6 and 8-11 are patentable under 35 U.S.C. 102(b) over Vetter (U.S. Pat. No. 4397411). Claim 1 recites a U-shaped bearing bracket with two oppositely located bores, the first bore having a smaller diameter than the second bore. Vetter does not disclose or suggest these features.

Vetter discloses a feeding chain used in packaging machines (Col. 1, L. 6-11). The feeding chains (1, 1') in Vetter are formed of rollers, inner lugs (2) and outer lugs (3) assembled by pins (4). The outer lugs facing the packaging material web (5) to be fed through the machine is formed as an angled strap (6) having a vertical leg forming the outer lug and a horizontal leg forming the first clamping jaw (7) (i.e. the outer lug has an "L" shape) (Col. 2, L. 28-35; Figs. 1, 2 and 5).

Thus, there is absolutely no disclosure in Vetter of U-shaped bearing bracket. Further, Vetter does not disclose two oppositely located bores, the first bore having a smaller diameter than the second bore. The clamp in Vetter is disclosed as having only one hole (8) located in the first clamping jaw (7). (Col. 2, L. 35-38; Figs. 1, 2 and 5). Therefore, claim 1 is patentable at least for this reason.

Further, claim 1 recites a clamping means comprising a clamping piece and a foot that are connected together by a middle piece where the middle piece has a smaller diameter than the foot and the middle piece is mounted displaceably in the first bore and the foot is mounted displaceably in the second bore. Vetter does not disclose or suggest these features.

Vetter discloses that a guiding shaft (9) is passed through the opening (8) with a mushroom-shaped or domed head (10) riveted to one of its ends, the head (10) forming the second clamping jaw. Adjacent its opposed end the shaft (9) has a collar (13) forming an abutment member and secured on the shaft by a retaining ring (12) stopping the movement of the collar (13) towards the end of the shaft. A flange sleeve (14) is provided in a sliding

relationship on the shaft (9) between the collar and the first clamping jaw (7). A pressure spring (15) engages the flange sleeve (14) and the collar (13) for providing a clamping force. (Col. 2, L. 38-53).

Vetter simply does not disclose or suggest that the middle piece is mounted displaceably in the first bore and the foot is mounted displaceably in the second bore. As can be seen in Figures 1-4 in Vetter, the collar end of the shaft (9) is free to pivot. Thus, it is noted that the collar (13) and retaining ring (12) in Vetter are not the same as the foot claimed by Applicant because the collar (13) and retaining ring (12) are not “mounted displaceably in the second bore” and therefore do not have the same functions as the foot in Applicant’s claims. Therefore, claim 1 is patentable for this additional reason. Claims 2-6 and 8-11 are patentable over Vetter at least by reason of their respective dependencies.

5. Claims 1-7, 10, 11 and 15-18 are patentable under 35 U.S.C. 102(b) over Natterer et al. (U.S. Pat. No. 4826065, hereinafter “Natterer”). Again, claim 1 recites a U-shaped bearing bracket with two oppositely located bores, the first bore having a smaller diameter than the second bore. Natterer does not disclose or suggest these features.

The clamp in Figure 2 of Natterer, which is used in rejecting Applicant’s claims, is formed by moveable clamping jaw (151’), the fixed clamping jaw (131), the fixing bolt (152’), the ring (57), the compression spring (23) and the flange sleeve (133). The clamp in Natterer is identical to the clamp described above with respect to Vetter (See Natterer, Col. 4, L. 59 – Col. 5, L. 10; Fig. 2) and thus, cannot anticipate claim 1 for reasons substantially similar to those described above.

In particular, the clamp in Natterer is disclosed as having an “L” shape with only one hole (56) located in the fixed clamping jaw (131). Thus, Natterer cannot disclose or suggest a U-shaped bearing bracket with two oppositely

located bores, the first bore having a smaller diameter than the second bore as recited by Applicant in claim 1.

Further, Natterer simply does not disclose or suggest that the middle piece is mounted displaceably in the first bore and the foot is mounted displaceably in the second bore. As can be seen in Figure 2 in Natterer, the ring end of the fixing bolt (152') is free to pivot. Thus, it is noted that the ring (57) in Natterer is not the same as the foot claimed by Applicant because the ring (57) is not "mounted displaceably in the second bore" and therefore does not have the same functions as the foot in Applicant's claims. Therefore, claim 1 is patentable for this additional reason. Claims 2-7 10, 11 and 15-18 are patentable over Vetter at least by reason of their respective dependencies.

6. Claims 1-6 and 10-14 are patentable under 35 U.S.C. 102(b) over German document number 572755 (hereinafter "DE755"). Claim 1 recites a U-shaped bearing bracket with two oppositely located bores, the first bore having a smaller diameter than the second bore. These features are not disclosed or suggested by DE755.

All that is disclosed in DE755 is a chain (e, i, m) being configured so that the axles (b) joining the chain links together are axially moveable for clamping material (h). In DE755, shaft (b) has a head (c) that interacts with chain link member (e) to clamp the material (h). The shaft (b) passes through link members (e, i), spacer (a) and link members (m, k). A cap (f) is located on the shaft (b) at an end opposite the head (c) for holding spring (d) on the shaft (b). The spring (d) is located between chain link member (k) and cap (f) for exerting force on the shaft (b) for providing clamping pressure between head (c) and chain link member (e). (See Fig. 1).

There is no disclosure in DE755 of a U-shaped bearing bracket with two oppositely located bores, the first bore having a smaller diameter than the second bore. All of the chain link members (e, i, m, k) are flat as can be seen

in Figure 2 of DE755. Further, links (e, i) and links (m, k) cannot form a U-shape because they are separated from each other by spacers (a). Moreover, there is no disclosure in DE755 that the holes through which the shaft (b) passes are different sizes. Rather Figure 2 of DE755 shows the holes in members (e, i, a, m, k) as having the same size. Thus, claim 1 is patentable over DE755 for at least this reason.

Moreover, there is no disclosure whatsoever in DE755 that the middle piece is mounted displaceably in the first bore and the foot is mounted displaceably in the second bore. In DE755 only the shaft (b) passes through the holes in members (e, i, a, m, k). Thus, claim 1 is patentable for this additional reason. Claims 2-6 and 10-14 are patentable at least by reason of their respective dependencies.

It is further noted that Applicant's claims are also not obvious over the cited references because the tensioning element according to Applicant's claims show less wear and less damage due to breaking. These are advantages not heretofore seen or recognized.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a one-month extension of time together with any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

25 January 2008
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512